

the Office of Personnel Management, to ensure their suitability for continued employment.

Sec. 6. Responsibilities. (a) An agency shall report to the Office of Personnel Management the nature and results of the background investigation and fitness determination (or later changes to that determination) made on an individual, to the extent consistent with law.

(b) The Director of the Office of Personnel Management is delegated authority to implement this order, including the authority to issue regulations and guidance governing suitability, or guidance related to fitness, as the Director determines appropriate.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

- (i) authority granted by law to a department or agency, or the head thereof; or
- (ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order shall not suspend, impede, or otherwise affect Executive Order 10450 of April 27, 1953, as amended, or Executive Order 13467 of June 30, 2008;

(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees or agents, or any other person.

Sec. 3. Effective Date and Applicability. This order is effective upon issuance and is applicable to individuals newly appointed to excepted service positions or hired as con-

tractor employees beginning 90 days from the effective date of this order.

George W. Bush

The White House,
January 16, 2009.

[Filed with the Office of the Federal Register, 2:30 p.m., January 21, 2009]

NOTE: This Executive order will be published in the *Federal Register* on January 22.

Memorandum on Eligibility of the Southern African Development Community To Receive Defense Articles and Defense Services under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended

January 16, 2009

Presidential Determination No. 2009–13

Memorandum for the Secretary of State

Subject: Eligibility of the Southern African Development Community to Receive Defense Articles and Defense Services under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, as amended, I hereby find that the furnishing of defense articles and defense services to the Southern African Development Community will strengthen the security of the United States and promote world peace.

You are authorized and directed to transmit this determination to the Congress and to arrange for its publication in the *Federal Register*.

George W. Bush

Memorandum on Waiving the Prohibition on the Use of Economic Support Funds with Respect to Various Parties to the Rome Statute Establishing the International Criminal Court

January 16, 2009

Presidential Determination No. 2009–14

Memorandum for the Secretary of State

Subject: Waiving the Prohibition on the Use of Economic Support Funds with Respect to Various Parties to the Rome Statute Establishing the International Criminal Court

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 671(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Division J, Public Law 110–161), I hereby:

- determine and report that it is important to the national interests of the United States to waive the prohibition of aforementioned section 671(a) with respect to Barbados, Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, St. Vincent and the Grenadines, Tanzania, and Trinidad and Tobago; and
- waive the prohibition of aforementioned section 671(a) with respect to these countries.

You are authorized and directed to report this determination to the Congress and to arrange for its publication in the *Federal Register*.

George W. Bush

Memorandum on Designation of Officers of To Act as Administrator of the National Aeronautics and Space Administration

January 16, 2009

Memorandum for the Administrator of the National Aeronautics and Space Administration

Subject: Designation of Officers of the National Aeronautics and Space Administration To Act as Administrator

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 *et seq.*, it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the National Aeronautics and Space Administration (NASA), in the order listed, shall act as and perform the functions and duties of the office of the Administrator of NASA (Administrator), during any period in which both the Administrator and Deputy Administrator of NASA (Deputy Administrator) have died, resigned, or otherwise become unable to perform the functions and duties of the office of Administrator, until such time as the Administrator or Deputy Administrator is able to perform the functions and duties of that office:

- (a) Associate Administrator;
- (b) Chief of Staff to the NASA Administrator;
- (c) Director for Johnson Space Flight Center;
- (d) Director for Kennedy Space Flight Center; and
- (e) Director for Marshall Space Flight Center.

Sec. 2. Exceptions.(a) No individual who is serving in an office listed in section 1 in